

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

<hr/> IN RE WACHOVIA CORPORATION ERISA LITIGATION	: x	MASTER FILE 08-cv-05320-NRB
<hr/> THIS DOCUMENT RELATES TO: All Actions		: x

**PLAINTIFF DENISE TUTTLE'S MEMORANDUM IN SUPPORT OF THE
APPOINTMENT OF KELLER ROHRBACK LLP AS LEAD COUNSEL**

Plaintiff Denise A. Tuttle (“Plaintiff”) respectfully submits this memorandum in support of the appointment of the law firm Keller Rohrback LLP as interim lead counsel in this consolidated action. Presently, one of the law firms representing Ms. Tuttle, Liner, Yankelevitz, Sunshine & Regenstreif (the “Liner Firm”), is working with Keller Rohrback in three other subprime-lending related employer-stock ERISA class actions against financial institutions (the Countrywide, Beazer and Fremont actions), and is familiar with the high quality of Keller Rohrback’s work and its extensive skill and proven track record of successfully litigating large, complex ERISA class actions, such as this one.

The Liner Firm and the other counsel representing Ms. Tuttle, Allegaert Berger & Vogel LLP (the “Allegaert Firm”), are prepared to support Keller Rohrback in its role as lead counsel. Attorneys at the Liner firm helped pioneer the field of company stock litigation in a 1999 case in which the Liner Firm served as lead counsel, *In re McKesson HBOC Inc.*, No. C-00-20030 RMW (N.D. Cal.). The Liner Firm has considerable experience with ERISA class actions. (Declaration of Ronald S. Kravitz (“Kravitz Decl.”) ¶¶ 2-3.) Liner attorney Ronald

Kravitz has been prosecuting and defending ERISA cases nationwide since 1993, and his work has resulted in millions of dollars in recovery in high-profile ERISA class actions.¹ (*Id.* ¶ 2.) Since 2002, Mr. Kravitz has been a contributing author and/or Chapter Editor of *Employee Benefits Law*, one of the leading ERISA treatises. He also frequently has lectured on ERISA and fiduciary duties, and has served on the Faculty of the American Bar Association's ERISA Litigation and ERISA Basics seminars. (*Id.* ¶ 4.)

In addition to prosecuting ERISA cases, Mr. Kravitz and the Liner Firm offer a unique perspective because they also successfully have *defended* ERISA class actions, including obtaining a defense judgment in an action where the plaintiffs sought over \$2 billion in damages. *See Summers v. State Street Bank*, 453 F.3d 404 (7th Cir. 2006). (Kravitz Decl. ¶ 5.) Further, both the Liner and the Allegaert Firms are full-service law firms with capabilities and experience in a wide array of areas, including bankruptcy, tax, and transactional work, including extensive experience in defending, and doing corporate work for financial institutions, such as State Street Bank, Wells Fargo Bank, and Charles Schwab. (*Id.* ¶ 6.) The Liner and Allegaert Firms are also superior, in terms of size, to the firms for any of the other law firms seeking appointment as lead counsel. (*Id.* ¶ 7.)

¹ By way of example, the Liner Firm was lead counsel in *Kolar v. Rite Aid Corp.*, No. 01-1229, (E.D. Pa.), an ERISA class action that settled for \$67 million. The Liner Firm was co-lead counsel in *In re Bristol Myers Squibb ERISA Litigation*, an ERISA class action that settled for \$41.2 million. The Liner Firm was lead and co- lead counsel in *In re McKesson HBOC Inc.*, No. C-00-20030 RMW (N.D. Cal.), an ERISA class action that settled for approximately \$37 million. At present, the Liner Firm is lead or co-lead counsel in the following ERISA class action cases: *Phones Plus v. The Hartford* (D. Conn.), *In re Radio Shack Corp. ERISA Litigation* (N.D. Tex.), and *Katziff v. Beverly, et al.* (D. Mass.). The Liner Firm is also counsel in the following ERISA class actions: *Brockmeyer v. Countrywide Financial Corp., et al.* (C.D. Cal.), *Klingler v Beazer Homes USA Inc., et al.* (N.D. Ga.), *In re Fremont General Corp. Litig.* (C.D. Cal.), and *Rithianos v. National City Corp., et al.* (N.D. Ohio). (Kravitz Decl. ¶ 3.)

Finally, The Allegaert Firm has substantial litigation experience in the Southern District of New York and around the country, including ERISA, banking and finance, and securities litigation in complex, multi-district and multi-party law suits, including class actions. (*Id.* ¶ 9.)

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Respectfully Submitted,

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